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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,387	04/11/2002	Moshe Brody	4075/OK306	3272
7590		11/23/2007		
Patent Department				
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		EXAMINER		
		DAVIS, ZACHARY A		
		ART UNIT		PAPER NUMBER
		2137		
		MAIL DATE		DELIVERY MODE
		11/23/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/069,387	Applicant(s) BRODY ET AL.	
	Examiner Zachary A. Davis	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A response to the notices of non-compliant amendment was received on 04 September 2007. By this response, Claims 1, 5-9, 12, and 13 have been amended. No claims have been added or canceled. Claims 1-9, 12, and 13 are currently pending in the present application.

Response to Arguments

2. Applicant's arguments filed 04 September 2007 have been fully considered but they are not persuasive.

Regarding the rejection of Claims 1-9, 12, and 13 under 35 U.S.C. 102(e) as anticipated by Siquin, US Patent 6425098, and with particular reference to independent Claims 1 and 7, Applicant argues that "Siquin does not teach how to override error correction" and that Siquin also does not disclose expressly or inherently "the limitation of ***altering data symbols in the codewords associated with the erroneous symbols***" (page 7 of the present response, emphasis in original).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claims (specifically, "how to override error correction" is not mentioned in the claims at all, and the limitation of "altering data symbols in the codewords associated with the erroneous symbols" appears to have been replaced by

Art Unit: 2137

the limitation "altering parity symbols in the codewords associated with said data symbols" [emphasis added] in Claim 1 as amended). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In particular, although Applicant generally describes the Siquin reference and alleges that it fails to teach the limitation as noted above, Applicant provides no evidence in support of these assertions and allegations. Further, the Examiner believes that Siquin does, in fact, disclose altering parity symbols in the codewords associated with the data symbols, as recited in Claim 1. In particular, the Examiner notes that Siquin discloses that the parity symbols in the codewords are altered (see column 10, lines 1-5, where it is explicitly stated that the error correcting codes are altered; see also column 11, lines 17-33).

Therefore, for the reasons detailed above, the Examiner maintains the rejections as set forth below.

Claim Rejections - 35 USC § 112

3. Although some of the issues of indefiniteness under 35 U.S.C. 112, second paragraph, have been overcome by the amendments to the claims, the amendments

Art Unit: 2137

have also introduced new issues of indefiniteness. Therefore, the rejection of Claims 1-9, 12, and 13 under 35 U.S.C. 112, second paragraph, is NOT withdrawn, and the claims REMAIN REJECTED as set forth below.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-9, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the data symbols representing said at least one audio sample" in line 5. There is insufficient antecedent basis for this limitation in the claim. Similarly, the claim recites the limitation "the error-correction codewords associated with said data symbols" in lines 7-8; there is also insufficient basis for this limitation in the claim.

Claims 5 and 6 each recite the limitation "the step of altering the error-correction". There is insufficient antecedent basis for this limitation; although Claim 1 includes a step of "disabling the error-correction" (emphasis added) and recites "altering at least one of a plurality of parity symbols", there is no mention of a step of "altering the error-correction".

Claim 12 recites the limitation "the C1 error-correction codeword corresponding to said data symbols" in lines 6-7; there is insufficient antecedent basis for this limitation. Further, there are potentially plural C1 codewords, and it is not clear to which of these this is intended to refer. Similarly, there is insufficient antecedent basis for the

Art Unit: 2137

limitations “the C2 codewords corresponding to the altered plurality of parity symbols in the C1 error-correction codeword” in lines 8-10 and “the C1 error-correction codewords corresponding to each of the altered plurality of parity symbols in the C2 codewords” in lines 11-13. Further, the claim recites “the C1 error-correction codeword” in lines 9-10; because there are more than one C1 codewords, it is not clear to which of these this is intended to refer.

Claim 7 recites the limitation “the data symbols representing at least one data sample” in line 5. There is insufficient antecedent basis for this limitation in the claim. The claim also recites “the error-correction codewords” in line 8; there is insufficient antecedent basis for this limitation in the claim, as well. Further, the claim recites the limitation “said at least one erroneous symbol overwriting one of the data symbols” in lines 4-5; this is somewhat unclear, as it appears that it is the erroneous symbol itself that performs the overwriting, which would not appear to be possible.

Claims 8 and 9 each recite the limitation “said at least one erroneous symbol”. There is insufficient antecedent basis for this limitation in the claims.

Claim 13 recites the limitation “the C1 error-correction codeword corresponding to said overwritten data symbol” in lines 4-5; there is insufficient antecedent basis for this limitation. Further, there are potentially plural C1 codewords, and it is not clear to which of these this is intended to refer. Similarly, there is insufficient antecedent basis for the limitations “the C2 codewords corresponding to the altered plurality of parity symbols in the C1 error-correction codeword” in lines 6-8 and “the C1 error-correction codewords corresponding to each of the altered plurality of parity symbols in the C2

Art Unit: 2137

codewords" in lines 9-11. Further, the claim recites "the C1 error-correction codeword" in lines 7-8; because there are more than one C1 codewords, it is not clear to which of these this is intended to refer.

Claims not specifically referred to above are rejected due to their dependence on a rejected base claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sinquin et al, US Patent 6425098.

In reference to Claim 1, Sinquin discloses a method for producing a copy-protected CD including selecting a data sample, locating symbols representing the sample (column 9, lines 11-14), overwriting the symbol with erroneous symbols (column 9, lines 46-48), and disabling error correction of the erroneous symbols by altering at least one of a plurality of parity symbols in codewords associated with the data symbols (column 10, lines 60-column 11, line 33; see also column 3, line 58-column 4, line 9).

Art Unit: 2137

In reference to Claim 2, Sinquin further discloses that the sample is a concealable audio sample corresponding to linear interpolation of previous and subsequent samples (see column 9, lines 16-46; column 9, line 46-column 10, line 5).

In reference to Claim 3, Sinquin further discloses that the erroneous symbols are superimposed (column 8, lines 45-53; column 9, lines 46-48).

In reference to Claim 4, Sinquin further discloses selecting at least one sample from a sector in a group of sectors (column 9, lines 11-14).

In reference to Claims 5, 6, and 12, Sinquin further discloses that disabling the error correction further includes overwriting data symbols with an arbitrary erroneous symbol or erasure (column 10, line 60-column 11, line 19).

Claims 7-9 and 13 are apparatus claims corresponding substantially to the methods of Claims 1, 5, 6, and 12, respectively, and are rejected by a similar rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Osawa et al, US Patent 5930367, discloses a system for preventing unauthorized copying of data on a CD that includes replacing or substituting parity or error correction codes with other information.

Art Unit: 2137

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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